HIGH COURT OF UTTARANCHAL AT NAINITAL

A.O. No. 791 of 2001
(Old No. 539 of 1984)

Sri Sarup Singh and another ..... Appellant

Versus

Sri Bhagwan Singh and another ..... Respondents

Dated: 13.8.2004

Hon. Rajesh Tandon J.

Present appeal has been filed against the judgment and award dated 30.4.1984 passed by the Motor Accident Claims Tribunal, Nainital.

Sri Bhagwan Singh Rana filed a claim petition for the grant of compensation under Section 166 of the M.V.Act on account of injuries caused to him in a motor vehicle accident involving Truck No. UPD 3754. Appellant Sarup Singh is the owner of the truck in question. The Claims Tribunal awarded a sum of Rs.73,000/- to the petitioner out of which the insurance company was directed to pay Rs.50,000/- and rest of the amount was to be paid by the appellant.

None is present on behalf of the appellant. Sri M.K. Goel, Advocate is present on behalf of the New India Assurance Company. I have gone through the material on record.

I find no infirmity in the judgment and award passed by the Motor accident Claims Tribunal. The amount awarded as compensation is just and proper. As the liability of Insurance

Company was limited up to Rs.50,000/- hence the Claims Tribunal has rightly shifted the liability to pay the rest of the amount on the owner of the truck.

The appeal has no merit and is hereby dismissed with costs.

(Rajesh Tandon J.)

13.8.2004

*Dhyani